

ESTTA Tracking number: **ESTTA164835**

Filing date: **09/25/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding.	91178974
Applicant	Defendant Moulavi, Sasson E., U.S. MEDICAL CARE HOLDINGS, L.L.C.
Other Party	Plaintiff SM Licensing Corporation

Motion for Suspension in View of Civil Proceeding With Consent

The parties are engaged in a civil action which may have a bearing on this proceeding. Accordingly, Moulavi, Sasson E., U.S. MEDICAL CARE HOLDINGS, L.L.C. hereby requests suspension of this proceeding pending a final determination of the civil action. Trademark Rule 2.117.

Moulavi, Sasson E., U.S. MEDICAL CARE HOLDINGS, L.L.C. has secured the express consent of all other parties to this proceeding for the suspension requested herein.

Moulavi, Sasson E., U.S. MEDICAL CARE HOLDINGS, L.L.C. has provided an e-mail address herewith for itself and for the opposing party so that any order on this motion may be issued electronically by the Board.

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Facsimile or email (by agreement only) on this date.

Respectfully submitted,
/markfeldman/

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09/25/2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

SM LICENSING CORPORATION,)
)
 Opposer,)
)
 v.) Opposition No. 91/178974
)
 U.S. MEDICAL CARE HOLDINGS, LLC,)
)
 Applicant.)
)

STIPULATED MOTION TO SUSPEND OPPOSITION PROCEEDINGS

Applicant U.S. Medical Care Holdings, LLC (“Applicant”), through its attorneys, brings this stipulated motion to request that this proceeding be suspended pending the outcome of the action between Applicant and Opposer SM Licensing Corporation (“Opposer”) in the United States District Court for the Southern District of Florida captioned *SM Licensing Corporation v. U.S. Medical Care Holdings LLC and Dr. Sasson Moulavi*, Case No. 07-20293-CIV-SEITZ (“Federal Action”).

On February 5, 2007, Opposer filed the Federal Action alleging, among other causes of action, that Applicant’s use of the mark COOKIE DIET infringes Opposer’s mark COOKIE DIET. On August 7, 2007, Opposer filed the instant proceeding opposing registration of Applicant’s mark THE COOKIE DIET (Application Serial Nos. 78/978186 and 78/690409).

The Federal Action and the instant opposition proceeding involve common issues between the same parties. Indeed, the outcome of the Federal Action may resolve or, in the least, has bearing on this opposition proceeding. Therefore, this opposition proceeding should be

suspended pending final determination of the Federal Action. *See General Motors Corp. v. Cadillac Club Fashions Inc.*, 22 USPQ2d 1933 (TTAB 1992); TBMP 510.02(a).

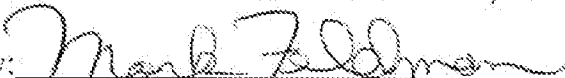
Based on the foregoing, Applicant respectfully requests that the Board grant this motion suspending the proceedings pending the final determination of the Federal Action. If it is necessary to resume these proceedings, Applicant respectfully requests that the Board enter an order resetting the trial dates, including allowing Applicant at least 30 days to answer the notice of opposition upon resumption of the proceedings.

CONSENT

In a telephone conference on September 25, 2007, Opposer's counsel, Ury Fischer, consented to this motion.

Dated: September 25, 2007

U.S. MEDICAL CARE HOLDINGS, L.L.C.

By: 

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